

Remarks

Applicants are grateful to the Examiner for his detailed comments in the Response to Arguments section of the previous Office Action. Applicants are of course disappointed that their previous response was not persuasive, especially considering that the prosecution of this application is rather "long in the tooth". Thus, Applicants would like to take advantage of the Examiner's kind and reasonable offer to provide specific definitions of the terms "signaling protocol message", "software code", and "storing" computer software code in at least one signaling protocol message. Applicants believe that the definitions of these terms (to be provided below) are no different to what one skilled in the art would understand. However, Applicants kindly request that the Examiner bear in mind the limiting effect of the definition of claim terms by the Applicants during prosecution of the application and therefore as a matter of public record. If the Examiner is persuaded that the claims (as limited by the definitions provided in this response) do not read onto the prior art citations raised during prosecution, then there is no reason to maintain his rejections.

Signaling Protocol Message

A "message" is any data which may be transmitted in a communication system. It is a very broad term per se. However, the claims recite the term "signaling protocol message". A signaling protocol is a protocol that performs signaling. "Signaling" means the communication of information relating to the establishment or control of communications sessions or the establishment of connections, or relating to the management of network entities. In contrast, signaling does not mean the communication of user data. To illustrate that one skilled in the art would agree with this definition, the Examiner is referred to the web page [http://en.wikipedia.org/wiki/signaling_\(telecommunication\)](http://en.wikipedia.org/wiki/signaling_(telecommunication)), a copy of which page has been printed on September 8, 2005 and attached hereto.

A "signaling protocol" is therefore a protocol defining how information may be communicated relating to the establishment or control of a communication session or connection, or relating to the management of network entities.

Thus, a "signaling protocol message" is data which may be communicated relating to the establishment or control of a communication session or a connection, or relating to the management of network entities, as defined by a protocol. However, the term "signaling protocol message" does not mean the user data that maybe communicated within an established communication session or connection. Thus, to give but one example, a message as defined by SIP (Session Initiation Protocol) includes the INVITE message as described at page 22 of the present application and in Figure 16. The INVITE message may be used to establish a voice or other media session, and is a signaling protocol message. However, voice or other media data sent during the existence of a VoIP call or other media session is not a signaling protocol message.

Computer Software Code

The term "computer software" means programs (for example applications or applets) which may be executed by a computing device. Computer software is made up of instructions which tell the computing device to operate in a determined way. These instructions are referred to collectively as "code". Thus, "computer software code" means instructions which may be executed by a computing device and which therefore instruct the computing device to operate in a determined way.

Not all information upon which a computing device may operate is computer software code. In particular, a distinction is often made between executable "code" and non-executable "data". To give a simple example, a word processor application, such as Microsoft Word, comprises computer software code. However, a Microsoft Word document written by a user consists of data and is not computer software code. In particular, the Applicants hereby confirm that the term "computer software

code" does not include a URL. A URL is merely data which may be operated on by a computing device (for example by a computing device executing a web browser client application) but it does not by itself form instructions which may be executed by the computing device. To illustrate the point, the Applicants might send the Examiner an email including a URL pointing to a web page (for example the wikipedia web page given above). However, that URL is merely data. If, however, the Examiner were to cut and paste the URL into a browser, or to double click on the URL to automatically launch a browser, then the browser would access the web page. However, it is the user action combined with the software program code of the browser application which instructs the computing device to access the given web page, not the URL itself which is merely data.

Storing Computer Software Code In at Least one Protocol Message

Thankfully, the term "storing" is virtually self-evident. A signaling protocol message has a finite length which may be measured, for example, in a number of bits or bytes. Similarly, the computer software code has a finite length which may be similarly measured. By storing the software code in at least one signaling protocol message, Applicants mean that the number of bits or bytes of information which make up the computer software code are included in the at least one signaling protocol message.

Thus, if there is one signaling protocol message, the number of bits or bytes of information making up the computer software code are all included within the one signaling protocol message. Where there are two or more signaling protocol messages, part of the information which makes up the computer software code may be stored in one of the signaling protocol messages and other parts in other signaling protocol messages. Specifically, the term "storing" means that the actual information making up the computer software code is included in the at least one signaling protocol message. In contrast, providing a URL which points to a network

resource from which an applet may be downloaded does not constitute storing computer software code in at least one signaling protocol message.

Applicants would like to apologize for referring to "embedding" a URL within a SIP message in the previous response. Applicants should have referred to "storing" a URL within a SIP message. With that in mind, Applicants believe the Examiner will appreciate the relevance of the Applicants earlier arguments on that issue.

Conclusion


Applicants have provided careful and detailed definitions of the terms requested by the Examiner. Applicants believe that it is abundantly and explicitly clear from these definitions and from the detailed arguments presented in the previous and earlier responses, that none of the prior art citations disclose the features of the present invention as claimed.

The Examiner has rejected claims 1, 7-8, 11 and 14 under 35 USC §102(a) as being anticipated by the article entitled "ChaTime: A System for Rapid Creation of Portable Next-Generation Telephony Services Using Third-Party Software Components". However, the Examiner will be aware that the test for anticipation is a vigorous one. "A claim is anticipated only if each and every element as set forth in the claim is found either expressly or inherently described, in a single prior art reference" (*Verdegaal Bros. v. Union Oil Co. of California*, 814F.2d 628, 631, 2 USPQ2d1051, 1053). Applicants believe it is abundantly and explicitly clear from the above definitions and the arguments referred to that the test has not been satisfied. In particular, there is no disclosure in the above prior art reference of "storing computer software code in at least one signaling protocol message" as required by claim 1. Therefore claim 1 and its dependent claims are not anticipated by the reference. Claim 14 and its dependent claim 15 recite corresponding limitations in respect of a destination terminal and are also therefore not anticipated.

Accordingly, there is clearly no reason for this application to continue to be rejected on the basis of the cited prior art. Applicants therefore request favorable reconsideration of the application and look forward to receiving a Notice of Allowance in due course. If however the Examiner is minded to continue his rejection, Applicants would like to take advantage of the opportunity of a telephone interview with the Examiner. If this is the case, Applicants representatives will be contacting the Examiner to arrange for such an interview at an appropriate time.

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Respectfully submitted,



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